THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 16877 of 2007

Date:13-08-2007

Between:

Sri Ramachandra Educational Institution rep. By its Correspondent Sri Arvind Kumar Agarwal …
PETITIONER

AND

The State of A.P. rep. By its Principal Secretary, Hyderabad and three others.

..
RESPONDENTS

ORDER:

The petitioner-Educational Institution questions the proceedings of the 3rd respondent in Proceedings Rc.No.5113/A2/2004, dated 05.06.2007 in respect of the selection of aided posts of the teachers on the following deficiencies/defects:

i) The permission issued by the District Educational Officer, Khammam is not a clear order of permission, it is a conditional order subject to approval of the promotions/shifting of several teachers already affected by the management and pending with the competent authority. It is observed that the District Educational Officer, Khammam is not competent authority to issue permission as per G.O.Ms.No.1/Edn., dated 1.1.1994. The condition imposed in the orders issued by the District Educational Officer, Khammam while according permission is not satisfied by either the management or the Deputy Educational Officer before the day fo conduct of selections.

ii) The management has obtained the list of candidates sponsored by the Employment Exchange, Khammam on 28.07.2003. As seen from the terms and conditions of the Employment Officer, Khammam letter No.2003/0060/00, dated 28.07.2003, dated, the list was only on there for (3)

months from the date of supply of the list. Though the sponsored list was expired, the Staff Selection Committee has conducted test and interviews with the candidates in the dead list which is irregular.

iii) The Employment Exchange has sponsored the candidates against SC vacancies. But the Staff Selection Committee has not taken any steps to get them attend the interviews through registered letters. The same thing was occurred with regard to the selection of SC candidates in the previous selections by the same management.

iv) The notification was issued inviting applications for selection of teachers on 26.07.2003. The written test was conducted on 3.6.2004 and 4.6.2004, which means there is a gap of (11) months. The academic year is almost changed. The management should need to take a fresh permission from the competent authority. But it is not done so, which is an irregularity.

v) On verification of the proposal it is also clear that the selection was not done under predetermined process of selection to be finalized by the management in consultation with the District Educational Officer, Khammam as is stipulated in Sub-Rule 5 of Rule 12 of G.O.Ms.No.1/Edn., dated 1.1.1994 before the selection of teacher, which is against rules.

vi) The roster points were fixed by the District Educational Officer, Khammam in his proc.Rc.No.5978/A4/2003, dated 23.7.2003. Again the roster points for selection of teachers fixed up by the District Educational Officer, Khammam in Proc.Rc.No.11483/A4/2003-2, dated 23.1.2004. On observation it reveals that committee has taken the first one as a reference point for selection of teachers. Whereas the second and the latest one is ignored. The reasons are not recorded by the committee, which is indecision to go ahead for approving the selection. While the things are so about the roster points a difference set of vacant posts were given in G.O.Ms.No.62/Edn., dated 31.1.2006.

vii) It is observed that the management do know very well that the SC/ST candidates have not responded to the notification issued on 26.7.2003. The management has not taken any initiation to go for second and third notification in case of SC/ST candidates during one long year, which reveals that they are not interested for filling up of posts reserved for SC/ST vacancies. Though there are backlog vacancies of SC."

Accordingly, the said proposals were rejected.

It is stated that aggrieved by the said order, the petitioner filed an appeal before the Commissioner and Director of School

Education, A.P. Hyderabad on 25.06.2007.

When the appeal is pending before the Commissioner and Director of School Education, A.P. Hyderabad, I am of the opinion that it is not open for the petitioner to pursue the parallel proceedings.

Accordingly, the writ petition is disposed of directing the second respondent to consider and dispose of the appeal, dated 25.06.2007, if any, received and pending, as expeditiously as possible. No costs.

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V.ESWARAIAH, J.

Date:13.08.2007.
Ccm